



Entered on Docket
November 04, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR
Chapter 11

**Order Sustaining Tenth Omnibus
Objection Of USACM Trust To Proofs Of
Claim Based In Part Upon Investment In
The Fiesta Oak Valley Loan**

Hearing Date: October 18, 2011
Hearing Time: 1:30 p.m.

The Court having considered the “Tenth Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Whole or In Part Upon Investment in The Fiesta Oak Valley Loan (“Fiesta Oak Valley Loan”) [DE 9078] (the “Objection”); the Court having heard the Objection on October 18, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the Claims listed on **Exhibit A** does not affect the direct lenders’ right to

1 repayment by the borrower or from the collateral securing the Fiesta Oak Valley Loan; and
2 good cause appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 9078] is sustained; and
5 2. The claims listed on **Exhibit A** attached are 20% allowed and 80%
6 disallowed to the extent those claims are based upon an investment in the Fiesta Oak
7 Valley Loan.

8
9 PREPARED AND RESPECTFULLY SUBMITTED BY:

10 **LEWIS AND ROCA LLP**
11

12 By /s/ John Hinderaker (AZ #018024)

13 Robert M. Charles, Jr.

14 John Hinderaker (*pro hac vice*)

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LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

_____ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

_____ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: _____

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)
Attorneys for USACM Liquidating Trust

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Claim	Name	Address	Total Claim Amount	Approximate Amount Related to an Investment In The Fiesta Oak Valley Loan	Amount Disallowed (80%)	Amount Allowed (20%)
10725-02416-2	Topp, Gerry	Po Box 3008 Grass Valley, CA 95945	521,406.20	50,000.00	\$40,000.00	\$10,000.00
10725-01043	Ulm IRA, Robert W	Pensco Trust Co Inc FBO 414 Morning Glory Rd St Marys, GA 31558	Unknown	50,000.00	\$40,000.00	\$10,000.00
10725-02089	Ulm, Robert W	414 Morning Glory Rd St Marys, GA 31558	Unknown	Unknown	Unknown	Unknown
10725-02403	Weible 1981 Trust DTD 6/30/81	Dean F & Ardis Weible Co Ttees 6314 Tara Ave Las Vegas, NV 89146	555,676.78	100,000.00	\$80,000.00	\$20,000.00
10725-00590	Wood Family Trust Dated 9/29/98	C/O Tina Kl Low Wood Trustee 7195 Lighthouse LN Reno, NV 89511-1022	79,522.36	50,000.00	\$40,000.00	\$10,000.00
10725-01283	X Factor Inc	4012 South Rainbow Blvd. Suite D92 Las Vegas, NV 89103-2010	Unknown	Unknown	Unknown	Unknown
10725-00719	Yonai Trustee, Gregory D	1982 Country Cove Ct Las Vegas, NV 89135-1552	22,896.16	8,215.28	\$6,572.22	\$1,643.06
10725-00983	Yonai Trustee, Gregory D	1982 Country Cove Ct Las Vegas, NV 89135-1552	22,896.16	8,215.28	\$6,572.22	\$1,643.06

EXHIBIT A

2456903.2